Masashi HIROKAWA, S.N. 10/742,349
Page 6

Dkt. 2271/57379-A

REMARKS

The application has been reviewed in light of the Office Action dated June 6, 2007.

Claims 43-54 were pending, with claims 1-42 having previously been canceled, without

prejudice or disclaimer. By this Amendment, claims 43-54 having previously been canceled,

without prejudice or disclaimer and new claims 55-64 have been added. Accordingly, claims 55-

64 are now pending, with claims 55, 58, 61 and 63 being in independent form.

Claims 43-54 were rejected under the judicially created doctrine of obviousness-type

double patenting as purportedly unpatentable over claims 1-10 of U.S. Patent No. 6,697,172.

By this Amendment, claims 43-54 having previously been canceled, without prejudice or

disclaimer and new claims 55-64 have been added.

Applicant maintains that claims 55-64 of the present application are patentably distinct

from claims 1-10 of U.S. Patent No. 6,697,172.

Claims 1-10 of U.S. Patent No. 6,697,172 are directed to a facsimile apparatus.

In contrast, claims 55-64 of the present application are directed to a method for

monitoring performance of an image forming apparatus.

In view of the amendments to the claims and remarks hereinabove, Applicant submits

that the application is now in condition for allowance. Accordingly, Applicant earnestly solicits

the allowance of the application.

If a petition for an extension of time is required to make this response timely, this paper

should be considered to be such a petition. The Patent Office is hereby authorized to charge any

fees that are required in connection with this amendment and to credit any overpayment to our

Deposit Account No. 03-3125.

Masashi HIROKAWA, S.N. 10/742,349   Dkt. 2271/57379-A
Page 7

    If a telephone interview could advance the prosecution of this application, the Examiner

is respectfully requested to call the undersigned attorney.

                                            Respectfully submitted,
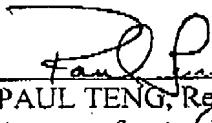
                                            PAUL TENG, Reg. No. 40,837
                                            Attorney for Applicant
                                            Cooper & Dunham LLP
                                            Tel.: (212) 278-0400